

APPEAL NO. 022752
FILED DECEMBER 3, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 8, 2002. With respect to the single issue before him, the hearing officer determined that the appellant's (claimant) compensable injury of _____, includes the cervical spine and the thoracic spine, but does not include the arms, legs, or right hip. The claimant appeals the determination that her compensable injury does not include her arms, legs, or right hip on sufficiency of the evidence grounds. In its response, the respondent (carrier) urges affirmance. The carrier did not appeal the determination that the claimant's compensable injury includes the cervical spine and thoracic spine and that determination has become final pursuant to Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury did not include injuries to her arms, legs, and right hip. That issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was not persuaded that the claimant sustained her burden of proving that her compensable injury included her arms, legs, or right hip. Nothing in our review of the record reveals that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Indeed, even the claimant's treating doctor, Dr. M, testified that the claimant did not sustain an injury to her arms and legs, noting she had radiating pain into her extremities but not an injury. Accordingly, no sound basis exists for us to reverse the determination that the claimant's compensable injury does not include an injury to her arms, legs, or right hip on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TRUCK INSURANCE EXCHANGE** and the name and address of its registered agent for service of process is

**FRED WERKENTHIN
JACKSON WALKER LLP
100 CONGRESS AVENUE, SUITE 1100
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Panel
Manager/Judge

Margaret L. Turner
Appeals Judge